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(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. GOODLATTE introduced the following bill; which was referred to the
Committee on _____

A BILL

To prohibit the unsolicited e-mail known as “spam”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Anti-Spamming Act
5 of 2001”.

1 **SEC. 2. PROTECTION FROM FRAUDULENT UNSOLICITED**
2 **E-MAIL.**

3 Section 1030 of title 18, United States Code, is
4 amended—

5 (1) in subsection (a)(5)—

6 (A) by striking “or” at the end of subpara-
7 graph (B); and

8 (B) by inserting after subparagraph (C)
9 the following:

10 “(D) intentionally and without authorization
11 initiates the transmission of a bulk unsolicited elec-
12 tronic mail message to a protected computer with
13 knowledge that such message falsifies an Internet
14 domain, header information, date or time stamp,
15 originating e-mail address, or other identifier; or

16 “(E) intentionally sells or distributes any com-
17 puter program that—

18 “(i) is designed or produced primarily for
19 the purpose of concealing the source or routing
20 information of bulk unsolicited electronic mail
21 messages in a manner prohibited by subpara-
22 graph (D) of this paragraph;

23 “(ii) has only limited commercially signifi-
24 cant purpose or use other than to conceal such
25 source or routing information; or

1 “(iii) is marketed by the violator or an-
2 other person acting in concert with the violator
3 and with the violator’s knowledge for use in
4 concealing the source or routing information of
5 such messages”;

6 (2) in subsection (c)(2)(A)—

7 (A) by inserting “(i)” after “in the case of
8 an offense”; and

9 (B) by inserting after “an offense punish-
10 able under this subparagraph;” the following:
11 “or (ii) under subsection (a)(5)(D) or (a)(5)(E)
12 of this section which results in damage to a
13 protected computer”;

14 (3) in subsection (c)(2)—

15 (A) by adding at the end the following:

16 “(D) in the case of a violation of subsection
17 (a)(5)(D) or (E), actual monetary loss and statutory
18 damages of \$15,000 per violation or an amount of
19 up to \$10 per message per violation whichever is
20 greater; and”;

21 (B) by striking “and” at the end of sub-
22 paragraph (A);

23 (4) in subsection (e)—

24 (A) by striking “and” at the end of para-
25 graph (8);

1 (B) by striking the period at the end of
2 paragraph (9); and

3 (C) by adding at the end the following:

4 “(10) the term ‘initiates the transmission’
5 means, in the case of an electronic mail message, to
6 originate the electronic mail message, and excludes
7 the actions of any interactive computer service whose
8 facilities or services are used by another person to
9 transmit, relay, or otherwise handle such message;

10 “(11) the term ‘Internet domain’ means a spe-
11 cific computer system (commonly referred to as a
12 ‘host’) or collection of computer systems attached to
13 or able to be referenced from the Internet which are
14 assigned a specific reference point on the Internet
15 (commonly referred to as an ‘Internet domain
16 name’) and registered with an organization recog-
17 nized by the Internet industry as a registrant of
18 Internet domains;

19 “(12) the term ‘unsolicited electronic mail mes-
20 sage’ means any substantially identical electronic
21 mail message other than electronic mail initiated by
22 any person to others with whom such person has a
23 prior relationship, including prior business relation-
24 ship, or electronic mail sent by a source to recipients
25 where such recipients, or their designees, have at

1 any time affirmatively requested to receive commu-
2 nications from that source; and

3 “(13) the term ‘Internet’ means all computer
4 and telecommunications facilities, including equip-
5 ment and operating software, which comprise the
6 interconnected network of networks that employ the
7 Transmission Control Protocol/Internet Protocol, or
8 any predecessor or successor protocols to such pro-
9 tocol, to communicate information of all kinds by
10 wire or radio.”; and

11 (5) in subsection (g), by inserting “and reason-
12 able attorneys’ fees and other litigation costs reason-
13 ably incurred in connection with the civil action”
14 after “injunctive relief or other equitable relief”.